

REMARKS

In accordance with the foregoing, claims 1, 4-8, 11-14 and 33 are pending and under consideration. Claims 1, 5 and 11 are the independent claims.

No new matter is believed to have been added.

I. REQUEST FOR NEW OFFICE ACTION:

It is respectfully requested that a new Office Action be issued for the present application. The outstanding Office Action sets forth that the Office Action has been made Final but sets forth no reason for the finality.

In the previous Office Action mailed June 14, 2004, claims 5-8, 11-14 and 33 were indicated as allowed and were not substantively amended. Applicants thanked the Examiner for indicating the allowable claims, but did not present any arguments concerning the allowed claims. In the present Office Action mailed April 29, 2005 the Examiner has withdrawn the indicated allowability of the claims based entirely on reasons that appear in the present Office Action. However, the applicant has never been given the opportunity to present any arguments in support of patentability or to address the rejection of the previously allowable claims at all. The new rejection was not precipitated by any amendments to these claims.

Thus, it is respectfully submitted that the rejection of claims 5-8, 11-14 and 33, based upon a previously unstated rationale, could not be made final.

Subsequently, it is respectfully requested that the finality of the outstanding Office Action be withdrawn and a new Office Action be issued, taking into consideration the following patentability remarks.

II. REASONS FOR ENTRY OF AMENDMENT UNDER 37 CFR §1.116:

It is respectfully requested that this Amendment After Final be entered and reconsideration given to the allowability of the pending claims. As noted above, it is respectfully submitted that the outstanding Office Action has been improperly made final, necessitating issuance of a new Office Action. Therefore, as the finality of the outstanding Office Action is improper, it is respectfully submitted that the above amendments be entered and following remarks considered.

III. REJECTION UNDER 35 USC §102(b).

Claims 1, 4-8, 11-14 and 33 are rejected under 35 USC§ 102(b) as being anticipated by Kobayashi (US Pat. No. 6,097,695, "Kobayashi").

Applicants respectfully traverse this rejection.

Kobayashi discloses an optical disk, which has a groove on the recording surface containing address data. The groove is formed by phase modulating a first signal and then frequency modulating the phase modulated first signal. (See Kobayashi Abstract, col. 2, lines 2-17). After biphase modulation of the wobble data ADIP, a phase modulated signal having a single frequency is output as the wobble signal WB. Kobayashi discloses extracting "edge" information of the wobble signal WB. (See Kobayashi col. 10, lines 25-31). The edge information that Kobayashi refers to is the transitions between a zero and one in binary.

However, there is no teaching in Kobayashi that the single frequency wobble signal WB contains first and second signal components having different **edge waveforms**. As is clearly shown in FIGs. 3A-3F and 4C, the "edge" information in Kobayashi refers to a transition from a bit value of zero to a bit value of one, which is extracted using waveforms having opposite phases but the **same edge waveforms**. The Examiner points to FIG. 4C as illustrating the different edges of each waveform. However, this misconstrues the claim language in the subject application and the teachings of Kobayashi. The edge waveforms in Kobayashi are each sinusoidal. The "edges" are simply a single point of transition. The *phase modulation* (i.e., not edge modulation) exhibited at the transitions between ones and zeros results in the different *phase* waveforms meeting and indicating the transition. However, assuming the waveform in between the first dashed line of FIG. 4C is taken as the first signal and the waveform immediately after the first dashed line is taken as the second signal, while the first and second signal waveforms are out of phase, the "edge waveforms," not "edges," are identical (i.e., sinusoidal).

In contrast, claim 1 recites, inter alia, "a wobble signal recorded on the wobbled track is a single-frequency signal having edge-modulated first header information, wherein the edge-modulated first header information is based on first and second signals having a same frequency but different **edge waveforms**."

Claim 5 recites "a wobble signal generator generating a single-frequency wobble signal having header information which is **edge-modulated** based on first and second carrier signals having a same frequency and different **edge waveforms**."

Claim 11 recites "generating first and second carrier signals having a same frequency and different *edge waveforms*."

Applicants respectfully submit that Kobayashi does not teach or suggest at least the aforementioned features of independent claims 1, 5 and 11.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citation of record. Further, the dependent claims should also be allowable for the same reasons as its respective base claim and further due to the additional features that they recite. All rejections are respectfully traversed.

II. CONCLUSION.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

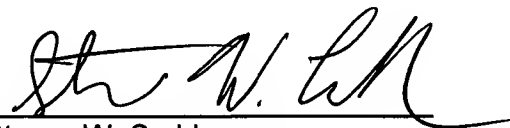
Respectfully submitted,

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